

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION AND FIRST AMENDMENT THERETO OF ZENA NEMETZ AND BACK BAY RESTORATIONS, INC., FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.), AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP FORMED UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:00 P. M., on April 29, 1976, in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts, by the Authority on an Application, (hereinafter called the "Application"), filed by Zena Nemetz and Back Bay Restorations, Inc., (hereinafter called the "Applicants"), for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on April 13, 1976 and April 20, 1976 in the Boston Herald-American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 8 of the Rules and Regulations of the Authority for securing the approval of Chapter 121A Projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended.

FIRST AMENDMENT TO APPLICATION OF ZENA NEMETZ AND BACK BAY RESTORATIONS, INC.
TO BOSTON REDEVELOPMENT AUTHORITY DATED FEBRUARY 27, 1976

The above-captioned Application is hereby amended as follows:

1. Delete the second sentence of Paragraph 6 of the Application and substitute therefor the following:

The Project will contain approximately eighty-six dwelling units for families and persons as follows: Thirteen (13) efficiency units; Forty-nine (49) one-bedroom units; Fourteen (14) two-bedroom units and Ten (10) three-bedroom units.

2. Delete Paragraph 7 of the Application and substitute therefor the following:

The minimum cost of the Project as defined in Paragraph 4 in Exhibit D of this Application will be approximately Two Million, Two Hundred Twenty-Five Thousand (\$2,225,000) Dollars.

3. Delete the last sentence of Paragraph 8 and substitute therefor the following:

The Applicants have received a letter from the Home Savings Bank of Boston expressing a desire to arrange and participate in both construction and permanent financing of the Project, subject to the Applicants receiving Authority approval to undertake the Project under the provisions of said Chapter 121A. Should the Authority approve the Application, the officers of the bank will affirmatively recommend that its Investment Committee issue a firm financing commitment for eighty percent (80%) of the cost of the Project.

4. The Environmental Assessment Form previously submitted is identified as Exhibit J to the Application, and Paragraph 19 of the Application is amended by adding the following as Sub-paragraph E thereof:

E. An Environmental Assessment Form, marked Exhibit J.

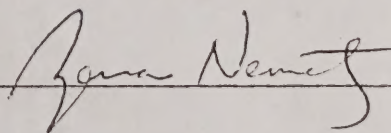
5. Exhibit A to the Application is hereby amended by deleting PARCEL SIX thereof, said parcel being a description of certain premises numbered 260, 262, 264, and 266 Commonwealth Avenue.

6. Exhibit B to the Application is hereby amended by inserting the words "as amended" before the word "filed" in the second line of Paragraph 1 on Page 2 thereof.

7. Exhibit G to the Application is hereby amended by deleting therefrom the site plans of the properties comprising 260, 262, 264, and 266 Commonwealth Avenue.

8. Exhibit H to the Application is hereby amended by deleting therefrom drawings A-5, A-6, and A-7 of the List of Drawings.

EXECUTED under oath this 3rd day of May, 1976.



BACK BAY RESTORATIONS, INC.

By 
_____ its Clerk

MEMORANDUM

MAY 6, 1976

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: REPORT AND DECISION ON CHAPTER 121A APPLICATION OF
ZENA NEMETZ AND BACK BAY RESTORATIONS, INC., AND
FIRST AMENDMENT THERETO

At a public hearing held by the Authority on April 29, 1976, on the above-captioned Application, the Board heard a presentation by the Applicants. Community leaders spoke in favor of the Project and two individuals spoke against.

The 121A Application has been examined and found to contain evidence in support of the Project. The proposal has been evaluated in light of planning objectives for the Back Bay area, and the staff has concluded that the Project will be a major step towards the achievement of said objectives by simultaneously reducing the potential for short-term and transient occupancy of the area and increasing the opportunity for couples and families to reside in the area. The Project will also retain and enhance the desirable architectural characteristics of the buildings on the Project Area and nearby parcels.

As amended, the Project will result in the creation of eighty-six (86) dwelling units with the following composition: 13 efficiency units, 49 one bedroom units, 14 two bedroom units, and 10 three bedroom units. It is expected that the Project will be privately financed by a local lending institution.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt and approve the Report and Decision on the Application and First Amendment thereto of Zena Nemetz and Back Bay Restorations, Inc.

Appropriate Votes are attached.

Attachment

VOTED: That the document entitled: "First Amendment to Application of Zena Nemetz and Back Bay Restorations, Inc., to Boston Redevelopment Authority Dated February 27, 1976" does not constitute a fundamental change of said Application.

FURTHER VOTED: That the document presented at this meeting entitled: "REPORT AND DECISION ON THE APPLICATION AND FIRST AMENDMENT THERETO OF ZENA NEMETZ AND BACK BAY RESTORATIONS, INC., FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.), AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP FORMED UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A" be and hereby is approved and adopted subject to the following conditions:

1. Receipt by the Applicants of a firm and formal commitment for permanent mortgage financing within 90 days of this Vote.
2. Commencement of construction within twelve months from the date of this Vote.

FURTHER VOTED: Failure to meet either of these conditions shall void this approval unless a formal extension of the time limits in #1. or #2. or both has been granted by the Authority.

Joseph J. Walsh, Acting Chairman of the Authority, James G. Colbert, James K. Flaherty and James E. Cofield, Jr., members of the Authority, were present throughout the hearing.

B. The Project. The Project consists of the rehabilitation, operation, and maintenance by the Limited Partnership under Chapter 121A of 86 apartment units on six (6) parcels of land located within the Back Bay Section of Boston. The Project is located at 199 and 238 Marlborough Street and 148, 274-276, 278-282, and 298 Commonwealth Avenue. The premises on which the Project is to be located are hereinafter referred to as the "Project Area". The Project is to be financed by the Home Savings Bank of Boston.

The Applicants propose to rehabilitate and renovate the structures located on the Project Area. Eighty-six (86) dwelling units are to be created with the following unit composition:

- 13 efficiency units
- 49 one bedroom units
- 14 two bedroom units
- 10 three bedroom units

The makeup and design of the Project are fully shown on the Plans filed with the Application as Exhibits G and H.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all Documents, Plans and Exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the Exhibits offered in evidence at the hearing, the arguments and statements made at the hearing, including those of the Applicants which constituted a minor amendment of the

Application reducing the Project Area, number of units, and Project Cost, and changing the unit composition and method of financing, and the First Amendment to the Application which formally stated the changes presented by the Applicants at the hearing. The members of the Authority have also viewed the Project Area.

The Project, as defined in the Application, constitutes a Project within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the rehabilitation, operation, and maintenance of decent, sanitary and safe residential buildings and appurtenant facilities.

D. Project Areas Substandard and Decadent. The Project Area is substandard and decadent, as defined in Chapter 121A for the following reasons:

1. All of the buildings on the Project Area are out of repair, physically deteriorated, obsolete and in need of major repair or maintenance. Several are unfit for human habitation. More specifically, but without limitation, the roofs leak and are out of repair, electrical and plumbing systems are obsolete and out of repair, many of the floors are buckled and require replacement, the internal organization of the structures is appropriate only for dormitory use, the structures violate numerous provisions of the State Building Code and State

Sanitary Code, and the exterior surfaces of the structures are in deteriorated condition, as are the windows and doorways. This deteriorated state of the buildings is due primarily to the interaction of two factors - the use for an extended period of time of the structures as dormitories, an intensive use for which they were not designed; and the lack of maintenance by the present owner, due in part to changed economic conditions which small, private educational institutions have encountered in the last five years.

2. All of the mortgages are seriously in arrears, all of the real estate is in receivership, and many, if not all of the mortgages would have been foreclosed but for the fact that the properties and their owner are in receivership.
3. It is improbable that the area will be redeveloped by the ordinary operations of private enterprise. The buildings as presently laid out are appropriate for use only as dormitories (their most recent use) or lodging houses. Dormitory use is no longer economically feasible as evidenced by the financial condition of the prior user, nor is such use appropriate to the sound growth of the community. Use of the buildings for rooming houses would

require use of the Zoning appeals process and also would not be appropriate to the sound growth of the community. Because of the fact that the Project Area is within the Back Bay Residential District and the buildings are subject to the control of the Back Bay Architectural Commission the area is less likely to be redeveloped by private enterprise than it would be otherwise, simply because of the limitation to residential uses without significant exterior modifications.

4. The presence of unoccupied buildings which constitute serious fire hazards, harbor vagrants, and might provide sanctuary to criminals or persons with criminal intent, or even access to abutting buildings for such persons, is detrimental to the safety, health, morals, welfare, and sound growth of the community.
5. The faulty arrangement and design of the interior of the buildings makes them detrimental to the sound growth of the community.

E. Financial Feasibility. The feasibility of the Project is based upon the financial commitment made by the Applicants which requires them to provide equity financing for the Project, the market established by the need for quality housing in the area, and the staff commitment of the Home Savings Bank described above.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The Project will promote the formal goal of the City and the Authority of increasing the number of residential units for permanent occupancy and decreasing the number of dormitory units for occupancy by transients or short-term residents.

The structures to be rehabilitated under the Project have been reviewed by the Design Review Staff of the Authority and are subject to further Design Review. The Authority finds that they will enhance the general appearance of the Area and furnish attractive and necessary living accommodations. The location proposed is excellent for housing, being near to public transportation.

H. Relocation of Occupants. The carrying out of the Project will not in itself involve the destruction of any existing structures. All of the buildings involved in the Project are vacant and involve no dislocation of any persons from their apartments. No relocation assistance will be required, as no relocation will occur.

I. Extension of Massachusetts Turnpike. The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

J. No Garage Near School, Hospital, or Church. The carrying out of the Project will not require a permit for the erection, maintenance, and use of a garage within 500' of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a Church.

K. No Separate Building Declaration Required. The Project does not require a declaration that the buildings contemplated constitute a separate building for the purpose of General Laws, Chapter 138.

L. Requirements and Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project, as set forth in Exhibit D filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Exhibit D, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such Plans and

Specifications for the Project as the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.

M. Environmental Considerations. Conformably with the provisions of Section 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental examination which contains, among others, the following findings:

1. The Project does not adversely affect any open space or recreational areas or any aesthetic values in the surrounding area.
2. The Project does not adversely affect any nearby natural feature.
3. The Project does not adversely affect archeological or historical structures or features. It is expected that the Project will enhance the historic structures in the Area.
4. The Project does not affect the potential use, extraction, or conservation of a scarce natural resource.
5. The Project Area is urban, and therefore, does not serve as a habitat for wildlife or fish species.
6. Being urban, the Project has no impact on any wilderness life.

7. The Project will require deviations from the State Building Code as further detailed herein, but not in such manner as will cause damage to the environment.
8. The Project will not adversely affect any area of natural vegetation.
9. The Project does not involve the disposal of potentially hazardous materials.
10. The Project does not involve the construction of facilities in a flood plain.
11. The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise or dust. All feasible methods will be used to limit the noise and dust generated during construction.
12. The Project does not result in a deleterious effect on the quality of any portion of the State's air or water resources.
13. The Project does not adversely affect an area of important scenic value. The Project does affect an area with significant architectural attributes but is designed harmoniously with those attributes.

As a result of the investigation and Report of the Authority staff and of its own knowledge, the Authority hereby determines that the Project will not cause significant environmental damage and that

the Secretary of the Authority be instructed to file its Report and findings with the Executive Office of Environmental Affairs in accordance with the Authority's Rules and Regulations.

N. Zoning and Building Variances. No variances from the Boston Zoning Code have been requested and none are granted herein. No variances from the State Building Code have been requested and none are granted herein.